REMARKS/ARGUMENTS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provisions of 35 USC § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Mr. Peter L. Michaelson, Esq. at (732) 530-6671 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Examiner interview

As indicated in the Interview Summary (PTOL-413; paper no. 37) completed by the Examiner, on September 17, 2003, inventor Rick Landsman and the undersigned attorney conducted a personal interview with the Examiner.

Both the inventor and the undersigned sincerely appreciate the opportunity to have had this interview as well as all the courtesies which the Examiner graciously extended to them.

During the interview, the inventor and the undersigned discussed the outstanding rejection in the prior final office action (paper no. 35) with the Examiner, specifically the obviousness rejection made in view of the Judson and Capek patents (US patents 5,737,619 and

6,094,677, respectively). Through those discussions, the teachings of these two references were distinguished from the Applicants' present invention. During the course of those discussions, inventor Landsman provided a PowerPoint slide presentation to the Examiner that addressed these distinctions. The Examiner requested a copy of this presentation in order to place a hard-copy printout of it in the application file. On September 19, 2003, the undersigned provided, by e-mail, an electronic copy of that presentation to the Examiner. On September 20, 2003, the Examiner acknowledged receipt of the presentation file and indicated that he placed a copy of the presentation slides in the application file.

As a result of those discussions and during the interview, the undersigned and the Examiner tentatively agreed upon certain amendatory language, based on the Examiner's suggestions and in the context of independent claim 106 and as correctly set forth in the Examiner's Interview Summary (paper no. 37), that would sufficiently distinguish that claim from the teachings in these two references. The Examiner reserved his final acceptance of this language pending further searching on his part. The undersigned stated that these amendments to claim 106 would be similarly made to each of the other pending independent claims, i.e., claims 107 and 108, as well.

Further, as correctly stated in the Examiner's Interview Summary, the Examiner raised United States patent 5,948,061 (the '061 patent) to the inventor and the undersigned and asked both to appropriately review that

patent and consider any further claim amendments, if any, that this reference might necessitate.

The undersigned agreed to file a preliminary amendment that includes the tentatively agreed-upon amendatory language as well as any other claim amendments, if any, that would be appropriate in view of the teachings in the '061 patent. This preliminary amendment is the result.

Status of pending claims

Claims 3, 37, 71 and 106-108 have each been amended. No other claims have been amended; no claims have been canceled or added.

Rejection under 35 USC § 103

In the Final Action (paper no. 35), the Examiner maintained his rejection of claims 3-10, 12-18, 20-25, 27-33, 35, 37-44, 46-52, 54-59, 61-67, 71-78, 80-86, 88-93, 95-102 and 104-108 under the provisions of 35 USC § 103 as being obvious over the teachings in the Judson and Capek patents.

This rejection has been thoroughly discussed during the interview with the result that the undersigned and the Examiner have tentatively agreed on language, once inserted into all the independent claims (106-108), that would sufficiently distinguish the claimed invention from the combined teachings of these two patents. Inasmuch as those claims have now been so amended, no further comments

are necessary from the Applicant and this rejection should be withdrawn.

United States Patent 5,948,061

As indicated above, the Examiner raised the '061 patent during the course of the interview. In response and after due consideration of this patent, the Applicants have now slightly amended their independent claims to further distinguish their claimed invention from the teachings of this patent, as well as when those teachings are combined with those in the Judson patent.

The Applicants will now briefly discuss these distinctions. In that context, the Examiner will appreciate the patentability of the claimed invention over the teachings in both of these references.

In particular, the '061 patent describes an approach for delivering Internet advertisements, though not interstitially. As shown in FIG. 1 and discussed in, e.g., col. 3, line 5 - col. 4, line 11 and col. 5, line 67 - col. 6, line 3 of this patent, a web page, provided by affiliate web site 12, contains "spaces" for advertising objects. Whenever such a space is encountered while client browser 16 is processing that page, the browser issues a request to advertising server process 19. That process then selects an object for an advertisement (typically a jpeg file for a banner ad, or an audio file, etc.) and provides that object back to the client browser. The browser then inserts each such object, e.g., ad banners, into an appropriate corresponding space in the web page and then

displays a composite page, with all the retrieved objects then being rendered, to the user. Each object resides along with the advertising server process on a corresponding server. In that regard, particularly page 5, line 67 - page 6, line 3, expressly states:

> "*the actual advertising object* which may be a banner image in a GIF or JPEG file format, an icon for an audio or video clip or some other object *is kept as part of the advertising server process*". [emphasis added]

Once the composite page is displayed, the user can then click through any of the displayed objects on that page to obtain more information. When a click-through of such an object occurs, the browser sends a message to the advertising server process. This process then returns a URL of the advertiser's web page, associated with that object, back to the browser. The browser then re-directs itself to the advertiser's web page which, in turn, will be downloaded, from the advertiser's web site, directly to the client browser and then displayed to the user.

As the '061 patent clearly and explicitly teaches, the advertising object must co-exist with the advertising server process on the same server, i.e., the specific process that responds to the request, from processing a web page, to select and download an advertising object for display within a "space" in that page must reside on the same server as does that object itself.

The Applicants' presently claimed invention is clearly not so limited.

In that regard, through the present invention, files for an advertising object (or more generally content and player files that collectively form and are used to render an information object, and/or the manifest -- AdDescriptor -- file itself that lists, inter alia, all the former files) can be located anywhere on a network and in fact will be accessed from ad management servers that are not the same as the network (distribution) server which responds to the request for an advertisement (or an information object) generated by client-side execution of the ad tag (generally speaking the "embedded code" as recited in, e.g., claim 106). The network server, which directly responds to execution of the ad tag, downloads and instantiates an agent in the client browser. The agent, in turn, once executing within the client browser, downloads from other servers, i.e., ad management servers, a manifest file and, as specified therein, subsequently content and, where necessary, player files.

Moreover, through the present invention, the management servers will of necessity be accessed before the advertising object is rendered, as sharply contrasted with the approach in the '061 patent where re-direction to an advertiser's web site will occur only after both an ad object is displayed and a user clicks through it.

The Judson '619 patent is absolutely silent on server-side ad selection. Even if its teachings were combined with those in the '061 patent, the resulting combination would still be limited to serving ad objects that reside on the very same server that selects those objects -- a limitation not present in the Applicants'

claimed approach where the network server, which receives and responds to the request for an ad (or information object) from a client browser that has executed an ad tag within a referring web page, is different from the management server(s) that provides at least one of the files (manifest, content or player files) that will subsequently be used to render that ad (or information object).

To clearly distinguish the present invention from the combined teachings of the Judson and the '061 patents, the Applicants have now amended each of their independent claims to expressly recite that the management server, that provides at least one of the files that is used to render an information object, is different from the network server that responds to the request. The Applicants have also amended each of dependent claims 3, 37 and 71 to recite the proper server.

Hence, the Applicants submit that their presently claimed invention would not be obvious over any combination of the teachings in the Judson and '061 patents and thus is patentable thereover.

Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is obvious under the provisions of 35 USC § 103.

Consequently, the Applicants believe that all these claims are presently in condition for allowance.

Accordingly, favorable consideration of this application and its swift passage to issue are both earnestly solicited.

Respectfully submitted,

October 1, 2003

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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **October 2, 2003** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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30,090
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